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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,853	11/07/2001	Daniel Gaur	PW 0249735 P12827	2382

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EXAMINER

DU, THUAN N

ART UNIT PAPER NUMBER

2116

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/045,853

Applicant(s)

GAUR, DANIEL

Examiner

Thuan N. Du

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment (dated 9/7/05).
2. Claims 1-17 have been cancelled. Claims 18-34 have been added. Claims 18-34 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Objections***

4. Claim 32 is objected to because of the following informalities: at line 9, "lowering" should be -- lower --. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

5. Claims 18-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai (U.S. Patent No. 6,665,810) and Lawitzke (U.S. Patent No. 6,870,852).
6. Regarding claims 18, 22 and 25, Sakai teaches a method of adapting a link speed of a network controller in a computing system, comprising:  
  
        querying said computing system to determine if said local power supply has recently changed to a source of finite power capacity (battery) [col. 5, lines 48-50];

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lowering said link speed for the network controller from a first speed (400 Mb/s) to a second speed (100 Mb/s) [col. 4, lines 15-29; col. 5, lines 23-55; col. 4, lines 49-54; col. 7, lines 63-65];

querying said computing system to determine if said local power supply recently changed back to an AC power source [col. 4, lines 15-18, 57-58];

increasing said link speed for the network controller from the second speed (100 Mb/s) to a third speed (400 Mb/s, in this case the third speed equals to the first speed) upon the local power supply having changed back to the AC power source [col. 4, lines 15-29; col. 4, lines 57-62; col. 6, lines 51-60], wherein the third speed is greater than the second speed.

Sakai does not explicitly teach that the third speed is different than the first speed. However, Sakai disclosed that the transfer rate could be 100 Mb/s, 200 Mb/s, or 400 Mb/s depends on the designing and power consumption requirement [col. 1, lines 49-54]. Therefore, one of ordinary skill in the art would have recognized that the third speed could be any speed, e.g. 200 Mb/s, different than the first speed.

Sakai does not explicitly teach the system utilizing a periodic maintenance routine to determine the type of the connected power source.

Lawitzke teaches a system comprising a CPU for executing maintenance routine (control software) [col. 4, lines 45-48], wherein the software including monitor routine for monitoring the connected power supply, the monitoring could be done periodically [col. 4, lines 54-56]. As such, the monitor routine could be executed periodically. The connected power supply could be an AC power source [col. 5, lines 66-67] or a battery (when the AC power source fails) [col. 6,

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lines 1-2]. Therefore, one of ordinary skill in the art would have recognized that the type of the connected power source is determined upon monitored.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sakai to include the monitor routine for monitoring the connected power supply as taught by Lawitzke because they both teach a system which could be powered by either an AC power source or a battery. The modification would increase the reliability of the system by allowing the system to detect when the power source has been switched (based on the monitoring) and change the operation according to the connected power source to maintain the communications between devices and prolong the battery.

7. Regarding claims 19, 23 and 27, Sakai teaches that the source of finite power capacity is a battery [Fig. 5; col. 3, line 58].

8. Regarding claim 20, both Sakai and Lawitzke do not explicitly teach that the network adapter is adapted to operate at link speeds of 10 mbps, 100 mbps and 1000 mbps. However, Sakai suggests that the network adapter (interface controller 1) may be applied to other devices, connecting other different types of devices (having different communication rate) [col. 7, lines 6-18, 45-47]. Furthermore, Sakai teaches that the link speed is adjusted automatically [col. 7, lines 21-23]. Therefore, one of ordinary skill in the art would have readily recognized that the network adapter taught by Sakai is capable to operate any link speed, including 10 mbps, 100 mbps and 1000 mbps.

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9. Regarding claims 21, 24 and 26, Sakai teaches that the link speed remains at lower link speed at all time if the local power supply did not change back to the AC source [col. 7, lines 63-65]. Therefore, one of ordinary skill in the art would have recognized that the Sakai-Lawitzke should stop executing maintenance routine (control software) if the system remains powered by battery.

10. Regarding claims 28-34, Sakai and Lawitzke teach the claimed method steps. Therefore, Sakai and Lawitzke teach the program code having instructions for carrying out claimed method steps.

### *Conclusion*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (571) 272-3673. The examiner can normally be reached on Monday-Friday: 9:30 AM - 6:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (571) 272-3670.

Central TC telephone number is (571) 272-2100.

The fax number for the organization is (571) 273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

TD  
November 9, 2005



**TUAN N. DU**  
**PRIMARY EXAMINER**